

REMARKS/ARGUMENTS

In response to the Examiner's final Office Action of October 28, 2009 the Applicant respectfully submits the accompanying replacement terminal disclaimer for the terminal disclaimer filed on 7/29/2009 and Amendment of the claims, and the following Remarks.

Regarding Amendment

In the Amendment:

independent claim 1 is amended to clarify that the rail is planar and removably supports a planar casing of the printhead in the printer. Support for this amendment can be found at page 39, lines 24-36 and Figs. 10 and 11 of the present application; and dependent claims 4-10, 16, 18, 19, 30, 36-41 and 48 are unchanged.

It is respectfully submitted that the Amendment does not add any new matter to the present application, nor any new issues to the prosecution of the present application.

Regarding Non-Statutory Double Patenting Rejections and Response to Arguments

It is respectfully submitted that amended independent claim 1 is patentably distinct from the cited claims of each of US Patent Nos. 6,944,970, 6,920,704 and 7,108,434 and copending Application Nos. 10/760,251, 10/760,199, 10/760,230, 10/760,240 and 10/760,214 either taken alone or in view of newly cited Rhoads, because amended claim 1 clarifies the shape of the claimed "rail" which is distinguished from both the shape and function of the rod disclosed by Rhoads for at least the reasons previously discussed by the Applicant.

Regarding Application No. 10/760,260

With respect to the Examiner's provisional non-statutory double patenting rejection of claim 1 over claims 1 and 49 of copending Application No. 10/760,260 in view of Edrinn, the Applicant submits herewith a replacement terminal disclaimer in compliance with 37 C.F.R. 1.321(c); the present application and Application No. 10/760,260 being commonly owned by the Applicant.

The Applicant apologises that the terminal disclaimer filed on 7/29/2009 incorrectly identified copending Application No. 10/760,266 instead of copending Application No. 10/760,260. The Applicant requests that, in accordance with MPEP §1490V.C., the Examiner make it clear in any subsequent Office action that "the second terminal disclaimer replaces the first terminal disclaimer, and the first terminal disclaimer is thus void.", where the "second terminal disclaimer" is the replacement terminal disclaimer accompanying the present Reply and the "first terminal disclaimer" is the terminal disclaimer filed on 7/29/2009.

Regarding 35 USC 103(a) Rejections and Response to Arguments

It is respectfully submitted that the subject matter of amended independent claim 1, and claims 4-10, 16, 18, 19, 30, 36-41 and 48 dependent therefrom, is not taught or suggested by any one or more of previously cited Martin, Edrinn, Rhoads, Nozawa, Stoffel, Goldstein and Rottman either considered alone or in view of one another, for at least the above-discussed reasons because as the Examiner admits none of the previously cited references disclose the feature of the claimed invention which the Examiner contends that Rhoads discloses.

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,



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